

Board of Contract Appeals

General Services Administration
Washington, D.C. 20405

October 26, 2004

GSBCA 16480-TRAV

In the Matter of LINDA R. DREES

Linda R. Drees, Fort Collins, CO, Claimant.

C. Bruce Sheaffer, Comptroller, National Park Service, Washington, DC, appearing for Department of the Interior.

DANIELS, Board Judge (Chairman).

Linda R. Drees challenges the determination by her employer, the National Park Service, not to reimburse her for certain ground transportation expenses she incurred while at a training session in Cambridge, Massachusetts. We hold that the agency's action was appropriate and deny the employee's claim.

Background

The Park Service sent Ms. Drees to Cambridge in March 2004 to attend a four-week training course at the Kennedy School of Government. Her travel orders authorized her to rent a car at Government expense.

Ms. Drees chose not to rent a vehicle for the duration of her stay in Massachusetts. She felt that the rental would be at an excessively high cost, which she estimated to be about \$1000. She did pay for automobile travel on three weekends, however, while she was enrolled in the course. On the weekend of April 9 to 11, Ms. Drees flew home to visit her child. She traveled to and from the nearest airport by taxicab. On two other weekends, Ms. Drees visited Cape Cod National Seashore. She rented cars to get to and from the seashore, where she says that on each visit, she spent about an hour speaking with employees and volunteers.

Ms. Drees' supervisor refused to have the Government pay for either the cab fare or the car rental costs because in his view, the "expenses were not essential to official government travel and the transaction of official business." He denied reimbursement for the cab fare on the ground that the employee was not authorized to fly home during the training session and was consequently not authorized to claim ground transportation costs

associated with a flight taken for personal reasons. (The air fare was not at issue; Ms. Drees recognizes that it was a personal expense and has not claimed reimbursement for it.) Instead of reimbursing Ms. Drees for the cab fare, the agency paid her the subsistence allowance appropriate to a stay in Cambridge for the weekend in question. The supervisor denied reimbursement for the car rentals and associated costs on the ground that the trips to Cape Cod "were not official travel related to government business. These trips were personal in nature." He noted that the authorization to rent a car at Government expense was for an entirely different purpose – attending the training course.

In response, Ms. Drees maintains that her supervisor knew of her desire to return home to see her child; that car rental was expressly authorized in her travel orders; and that the transportation costs for which she seeks reimbursement are far less than the cost the Government would have incurred if she had rented a car for the entire time she was at the training course. The employee also alleges that because the agency violated procedural requirements, particularly by not informing her promptly that her claim was improper and by not advising her of her appeal rights, her claim should be paid.

Discussion

An "agency may pay only those [travel] expenses [which are] essential to the transaction of official business." 41 CFR 301-2.2 (2003). The determination of what constitutes "official business" is a management prerogative. Wayne R. Smith, GSBCA 16193-RELO (July 28, 2004). A specific determination will not be overturned unless it is found to be arbitrary, capricious, or an abuse of discretion. Carl A. Willecke, GSBCA 16083-TRAV, 03-2 BCA ¶ 32,352.

Ms. Drees' supervisor concluded that her trip home to see her child and her visits to Cape Cod National Seashore were personal in nature and were "not essential to official government travel and the transaction of official business." The trip home was by the employee's admission for personal reasons and not essential to the transaction of official business. As to the seashore visits, Ms. Drees offers in rebuttal to the supervisor's conclusion only the fact that she spoke with Park Service employees and volunteers while there. This is not sufficient evidence on which to base a finding that the supervisor's determination was arbitrary, capricious, or an abuse of discretion. We therefore leave standing the agency's determination as to both the cab fare and the car rental and associated costs. Because these transportation expenses were incurred for personal reasons, not official business, reimbursement would be inappropriate.

We appreciate Ms. Drees' interest in having the Government avoid an unnecessary expense, which she demonstrated by declining the opportunity to rent a car for the duration of her stay in Cambridge. Her good judgment does not give her license, however, to bill the Government for lesser expenses that she incurred for personal reasons.

We find specious the claimant's argument that her agency's failure to follow procedural requirements mandates a grant of her claim. Of the many allegations Ms. Drees makes as to procedural failings, only one has even a hint of validity to it. This is that the Park Service did not comply with the Federal Travel Regulation's direction that each agency notify an employee of any errors in a travel claim as soon as practicable after receipt of the

claim, and in no event more than seven working days after such receipt.¹ See 41 CFR 301-71.208. The Park Service responded to Ms. Drees' claim within twenty-four days, not seven, of its receipt of the claim. The regulation does not say what is to happen if an agency does not comply with the directive for prompt notification of correctness of a claim, however. It most certainly does not mandate that the claim must be paid in full, other regulatory provisions notwithstanding. The regulation establishes only one consequence of an agency's late processing of a travel claim: if an agency does not pay a proper claim within thirty days of receiving it, the agency must pay to the employee a late payment fee, along with the appropriate travel expense reimbursement. Id. 301-71.209. There is no evidence that the Park Service failed to make appropriate reimbursement within thirty days of receiving Ms. Drees' claim.

Decision

The claim is denied.

STEPHEN M. DANIELS
Board Judge

¹Demonstrating the futility of the other allegations, the second most prominent charge is that the agency did not advise her of her appeal rights as to the claim, as required by 41 CFR 301-71.206(c), but in denying reimbursement of the expenses at issue here, her supervisor expressly told her that she could request reconsideration by the agency and submit the claim for adjudication to this Board.